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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/694,600 | 10/27/2003 | Michael Ostreicher | A-3840 | 3519 |
| 24131 | 7590 | 07/29/2005 | EXAMINER | |
| LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480 | | | MORRISON, THOMAS A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3653 | |

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/694,600

Applicant(s)

OSTREICHER ET AL.

Examiner

Thomas A. Morrison

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-23 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: (1) "blowing devices 22" should either be -- blowing device 22 -- or it should be indicated that only one blowing device 22 is shown; (4) "sensing elements 23" should either be -- sensing element 23 -- or it should be indicated that only one sensing element 23 is shown.

Appropriate correction is required.

Claim Objections

2. Claim 23 is objected to because of the following informalities: (1) "said cylinder" should be -- said lifting cylinder --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 12 and their dependent claims, these claims require a second suction chamber coaxially surrounding a first suction chamber for holding a spring-action suction head/lifting cylinder and for reducing a lowering speed of the spring-action suction head/lifting cylinder. It is unclear as to the relationship between

the spring-action suction head/lifting cylinder and the second suction chamber. In other words, there is insufficient structure recited in the claims to understand how the second suction chamber reduces the lowering speed of the spring-action suction head/lifting cylinder.

Response to Amendment

4. Applicant's arguments filed April 1, 2005 have been fully considered but they are not persuasive.

Regarding the objection to the specification, Applicant argues that (1) Fig. 1 is a two dimensional diagrammatic view of a printing press, (2) the leaders indicating these items (e.g., 22 and 23) point to the side of the elements and sufficiently support the fact that there is a plurality of the items, and (3) no further clarification is needed. In response, Fig. 1 appears to only show one blowing device 22 and one sensing element 23. As such, the specification should clearly indicate that there are blowing devices 22 and sensing elements 23, but only one of each is shown in Fig. 1.

Regarding the rejection under 35 U.S.C. 112, second paragraph, Applicant notes that claim 1 does not recite the limitation of a lifting cylinder. Accordingly, the Examiner's comments regarding the rejection of claim 1 are not understood. In response, the rejection under 35 U.S.C. 112, second paragraph has been changed to correct a typographical error and state that it is unclear as to the relationship between the spring-action suction head and the second suction chamber in claim 1. The same basic rejection applies to claims 1 and 12.

With regard to the rejection of claim 12, Applicant argues that it is believed that the language of the second suction chamber surrounding and holding the lifting cylinder provides sufficient structure for the lifting cylinder to have its speed reduced by suction/vacuum. In response, claim 1 and claim 12 both do not recite the specific structures or structural relationships between the elements that allow the speed of the spring-action suction head or the speed of the lifting cylinder to be reduced. The fact that the second suction chamber surrounds the first suction chamber does not provide sufficient structure to understand how the speed of the spring action suction head or the speed of the lifting cylinder is reduced. What specific structure on the second suction chamber and/or the first suction chamber causes the lowering speed of the spring-action suction head to be reduced? Similarly, what structure on the second suction chamber and/or the first suction chamber causes the lowering speed of the lifting cylinder to be reduced? As one possibility, the structures can be further defined. Alternatively, it is possible that some sort of means plus function language could be added to the claims, provided that there is sufficient support for such language in the specification.

Conclusion


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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